

# STATE OF NEW YORK

1518

2023-2024 Regular Sessions

## IN ASSEMBLY

January 17, 2023

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the  
Committee on Health

AN ACT to amend the public health law, in relation to requiring report-  
ing of positive cytomegalovirus test results

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. Article 21 of the public health law is amended by adding a  
2 new title 9 to read as follows:

### TITLE IX

#### CYTOMEGALOVIRUS

3 Section 2185. Cytomegalovirus; duty to report.

4  
5 § 2185. Cytomegalovirus; duty to report. 1. Upon notice to a local  
6 health department through the electronic clinical laboratories reporting  
7 system that a newborn has tested positive for cytomegalovirus, the local  
8 health department shall immediately contact the pediatrician of record  
9 for such newborn and notify such pediatrician of the positive result. If  
10 such pediatrician cannot be notified, then the local health department  
11 shall contact the chief of newborn services at the hospital in which the  
12 newborn was born. If such chief of newborn services cannot be contacted,  
13 then the local health department shall contact the medical director at  
14 the hospital in which the newborn was born.

15  
16 2. The local health department shall simultaneously contact the parent  
17 of any newborn with a positive test result for cytomegalovirus to inform  
18 them that the newborn has tested positive for cytomegalovirus.

19 3. If the positive test was from a saliva specimen, a polymerase chain  
20 reaction urine test as required pursuant to section twenty-five  
21 hundred-a of this chapter shall be administered as soon as possible,  
22 provided that the newborn is no more than three weeks in age, to confirm  
23 the test result.

24 4. If a urine test administered pursuant to subdivision three of this  
25 section confirms that the results are positive, the local health

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 department shall immediately contact the pediatrician of record for such  
2 newborn and notify such pediatrician of the positive result. If such  
3 pedsiatrician cannot be notified, then the local health department shall  
4 contact the chief of newborn services at the hospital in which the  
5 newborn was born. If such chief of newborn services cannot be contacted,  
6 then the local health department shall contact the medical director at  
7 the hospital in which the newborn was born. In addition, the parent or  
8 guardian of the newborn shall be contacted no later than one week from  
9 such positive result and shall be referred to a pediatric infectious  
10 disease specialist to perform a full examination before such newborn  
11 reaches four weeks of age. Such examination shall include, but not be  
12 limited to:

13 (a) Measurement of head circumference;

14 (b) Head sonogram;

15 (c) Blood tests including a complete blood count and liver function  
16 tests;

17 (d) Eye exam by an ophthalmologist; and

18 (e) Hearing evaluation by auditory brainstem response.

19 5. Upon notification of a positive urine test result for cytomegalovi-  
20 rus administered pursuant to subdivisions three and four of this  
21 section, the local health department shall contact the pediatrician or  
22 hospital chief of newborn services or the hospital medical director, and  
23 the parent or guardian, to ensure the referral to a pediatric infectious  
24 disease specialist pursuant to subdivision four of this section was  
25 completed.

26 6. The commissioner shall cause cytomegalovirus to be added to the  
27 list of communicable diseases designated pursuant to 10 NYCRR part 2.1.

28 7. For the purposes of this section, the term "newborn" shall include  
29 any infant of the age of thirty-one days or less.

30 § 2. This act shall take effect immediately.